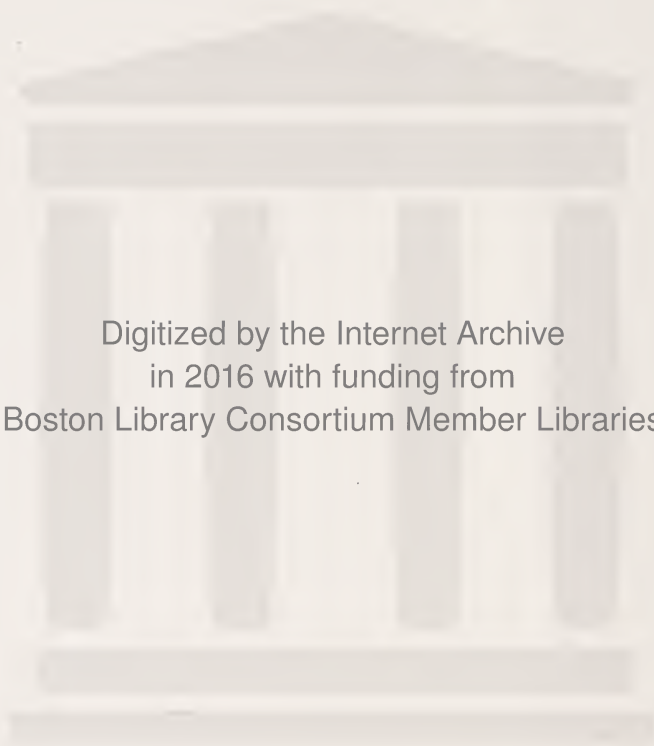


F
869
.S3
O5
1887a



Digitized by the Internet Archive
in 2016 with funding from
Boston Library Consortium Member Libraries

<https://archive.org/details/vigilancecommitt00omea>

THE
VIGILANCE COMMITTEE
OF 1856.

BY A PIONEER CALIFORNIA JOURNALIST.

SAN FRANCISCO:

PUBLISHED BY J. M. WATSON, No. 429 MONTGOMERY STREET.

1890.

F869

S305

1887

THE
VIGILANCE COMMITTEE
OF 1856.

BY A PIONEER CALIFORNIA JOURNALIST.

SAN FRANCISCO:

JAMES H. BARRY, PUBLISHER, No. 429 MONTGOMERY STREET.

1887.

F 967

, 6255

1887a

BOSTON COLLEGE LIBRARY
CHESTNUT HILL, MASS

MAY 13 1961

~~336 908~~

336 908

THE VIGILANCE COMMITTEE OF '56.

Many accounts of the Vigilance Committee of San Francisco have been published, but all of them, so far as I have seen, were from the pen of members of that organization, or else from persons who favored it. As a consequence their accounts of it were either partial, to a greater or less degree, or imperfect otherwise; and much has been omitted as well as misstated and misrepresented otherwise. I was not a member of the Vigilance Committee, nor was I a member of the opposing organization, known as the Law and Order body, of which General Sherman was the head and Volney E. Howard next in rank. I have never been in favor of mob or lynch-law in any form, and, therefore, had neither sympathy with nor disposition to join the Vigilance Committee. And while I was earnestly in support of Law and Order, I did not feel that I could better subserve that cause by joining the organization formed at that time, for the avowed purpose of maintaining the one and enforcing the other. I had many friends on each side, and I also knew many in each organization who were unworthy of fellowship in any good or honorable cause or association; and some of these bore prominent rank in each organization. As was said of the Regulators of Texas, who directed their energies chiefly against horse thieves and robbers, that some of the worst and most guilty of them hastened to join the band, in order to save themselves from arrest and the rope or bullet, likewise were there some

prominent in the Vigilance Committee of 1856, who undoubtedly joined it for similar reasons—to escape the terrors of the organization; and the Executive Committee was not exempt from these infamous characters.

The Executive Committee, forty-one in number, was thus composed in membership: William T. Coleman, James Dows, Thomas J. L. Smiley, John P. Monrow, Charles Doane, James N. Olney, Isaac Bluxome, Jr., William Meyers, Charles Ludlow, —Christler, Richard M. Jessup, Charles J. Dempster, George R. Ward, E. P. Flint, Wm. Rogers, Aaron M. Burns, Miers F. Truitt, W. H. Tillinghast, W. Arrington, Charles L. Case, J. D. Farwell, W. T. Thompson, Eugene Dellestert, J. K. Osgood, J. W. Brittan, Jules David, C. V. Gillespie, Calvin Nutting, E. Gorham, N. O. Arrington, F. W. Page, O. B. Crary, L. Bassange, D. Tubbs, Emile Grisar, E. B. Goddard, Henry M. Hale, Chas. Ludlow, M. J. Burke, J. H. Fish, C. P. Hutchings, J. Seligman.

W. T. Coleman was President, Thomas J. L. Smiley Vice-President and Prosecuting Attorney, John P. Morrow, Judge Associate, James Dows, Treasurer, Wm. Meyer, Deputy Treasurer, Isaac Bluxome, Jr.—the notorious “33”—Secretary. Charles Doane was Grand Marshall, James N. Olney, Deputy Grand Marshall, R. T. Wallace was Chief of Police, John L. Durkee, Deputy Chief.

The military organization of the Vigilance Committee, rank and file, numbered nearly 5,000 men. Several of the Executive Committee were alien residents who never became citizens; and in the Committee, serving as troops, as police, and in other lines, were a large number of aliens, not naturalized, many of whom had not acquired sufficient proficiency in the English language to speak it or understand it. The military body comprised four regiments—infantry and artillery—together with battalions of cavalry, pistol com-

panies and guard of citizens. A medical staff was duly organized. The roster, as here given, is copied from a recent publication in the *Alta*, stated to be authentic. The dashes which mark omission of the names, appear as they are placed in the *Alta*:

Charles Doane, Major-General. Staff officers: N. W. Coles, Quartermaster-General and Colonel of Cavalry; R. M. Jessup, Commissary-General and Colonel of Infantry; Aaron M. Burns, Deputy Commissary-General and Lieutenant-Colonel of Infantry; James Dows, Paymaster-General and Lieutenant-Colonel of Infantry; William Meyer and Eugene Dellesert, Paymaster-Generals and Majors of Infantry; Cyrus G. Dwyer, Adjutant and Inspector-General and Major of Infantry; Henry Baker, Quartermaster and Major of Infantry; R. R. Pearce and M. McManus, Assistant Quartermasters and Captains of Infantry; J. W. Farrington, Assistant Commissary and Captain of Infantry; R. Beverly Cole, Surgeon of the staff and Major of Infantry; Geo. C. Potter, aid to Major-General and Major of Cavalry; N. B. Stone, A. M. Ebbetts, T. M. Wood, O. P. Blackman, George R. Morris, T. A. Wakeman, Felix Brissac, C. H. Vail and George R. Ward, aids to Major-General and Majors of Infantry, James B. Hubbell, John M. Schapp and B. F. Mores, aids and secretaries to Major-General and Captains of Infantry; J. N. Olney, Jr., aid and secretary to Major-General and First Lieutenant of Infantry; James N. Olney, Brigadier-General; R. S. Tammot, Henry Jones and R. M. Cox, aids and Captains of Infantry.

Artillery—Thomas D. Johns, Colonel; J. F. Curtis, Lieutenant-Colonel; R. B. Hampton, Major; Company A, J. Mead Huxley, Captain; Company B, James Richit, Captain; Company C, H. C. F. Behrens, Captain; Company D, J. H. Hasty, Captain; James F. Curtiss, Lieutenant-Colonel, commanding Reserved Artillery.

Battallion Cavalry—Frank Baker, Major; First Squadron, G. G. Bradt, Captain; Second Squadron, J. Sewell Read, Captain.

Infantry—First Regiment,—Colonel; J. S. Ellis, Lieutenant-Colonel; John A. Clark, Major; J. P. H. Wentworth, Quartermaster; H. H. Thrall, Adjutant; L. S. Wilder, Commissary; R. M. Cox, Sergeant-Major; H. W. F. Hoffman, Quartermaster's Sergeant and composed of eight companies, viz: Company A, W. C. Allen, Lieutenant commanding; Company B, H. L. Twiggs, Captain; Company C, A. L. Loring, Captain; Company D, J. V. McElwee, Captain; Company One, J. M. Taylor, Captain; Company Two (Riflemen), L. W. Parks, Captain; Company Three, Jonathan Gavat, Captain; Company Seven, Geo. H. Hossefros, Captain.

Battallion Citizens Guard—Belonging to First Regiment, composed of A, B, C, and D, G. F. Watson, Major.

Second Regiment—J. B. Badger, Colonel; J. S. Hill, Lieutenant-Colonel; A. H. Clark, Major. Giles H. Gray, Quartermaster; E. B. Gibbs, Adjutant; F. A. Howe, Commissary;—Sergeant-Major; Judah Alden; Quartermaster-Sergeant, and composed of eight companies, viz: Company Six, W. R. Doty, Captain; Company Twelve, C. G. Bailey, Captain; Company Eight, —Godfrey, Captain; Company Four, A. H. King, Captain; Company Five, C. R. Bond, Captain; Company Ten, J. Wightman, Lieutenant commanding; Company Eleven, George Gates, Captain; Company Nine, J. Wood, Captain.

Third Regiment—H. S. Fitch, Colonel; Caleb Clapp-Lieutenant Colonel; —, Major; —, Quartermaster; —, Adjutant; —, Commissary; —, Sergeant-Major; —, Quartermaster-Sergeant, and composed of eight companies, viz: Company Thirteen, E. J. Smith, Lieutenant commanding; Company Four-

teen, W. E. Keyes, Captain; Company Fifteen, —, Lieutenant commanding; Company Sixteen, B. S. Bryan, Captain; Company Seventeen (Riflemen), C. E. S. McDonald, Captain; Company Eighteen, P. W. Shephard, Captain; Company Nineteen, R. H. Bennett, Captain; Company Twenty, S. Gutte, Captain.

Fourth Regiment—Francis J. Lippitt, Colonel; John D. G. Quirk, Lieutenant-Colonel, —, Major; —, Quartermaster; B. L. West, Adjutant; —, Commissary; —, Sergeant-Major; —, Quartermaster's Sergeant, and composed of eight companies, viz: Company Twenty-five, J. Sanfrignon, Captain; Company Twenty-eight, L. Armand, Captain; French Legion, — Villaseque, Major; Company Twenty-four, W. H. Patten, Captain; Company Twenty-seven, C. H. Gough, Captain; Company Twenty-one, S. Meyerbock, Captain; Company twenty-three, J. T. Little, Captain; Company Thirty, W. O. Smith, Captain; Company Twenty-two, J. L. Folger, Captain; Company Twenty-nine, S. L. Harrison, Captain; Company Twenty-six, —, Captain.

Pistol Battalion—Two companies, commanded respectively by Captains Webb and E. S. Gibbs.

The roll of Division No. 4 is thus given:

J. A. Collins, Commander, Geo. G. Whitney, 1st Lieut. W. H. Parker, 2d L't, J. H. Mallett, Orderly Sergeant, R. R. H. Rogers, Second Orderly Sergeant, Wm. H. Wood, Third Orderly Sergeant, Charles D. Cushman, Fourth Orderly Sergeant. Privates—D. Morgan, Jr., P. G. Partridge, John Burns, E. W. Travers, Giles H. Gray, Martin Prag, John Wright, James Wells, Jas. W. White, Judah Alden, Alfred Rix, J. W. Farrington, W. L. Waters, W. F. Hall, J. T. Bowers, J. L. N. Shepard, Lucius Hoyt, David Laville, H. A. Russell, E. Stevens, Theo. B. Cunningham, M. McMannis, Wm. H. Gibson, Edmund Keyes, George T. Bohen, I. M. Bachelder, R. T. Holmes, W. F. Shankland, B. Argyras, John R.

Chute, John S. Davies, James McCeny, Geo. H. Tay, Sohn Bensley, L. Bartlett, Joseph W. Housley, Robert Wells, Samuel Fullerton. Newell Hosmer, J. J. Lomax, G. K. Fitch, Wm. Hayes, Robert A. Parker, Samuel Soule, A. Wardwell, Isaac E. Davis, M. McIntyre, F. E. Foote, Thomas A. Ayres, William K. Blanchard, J. F. Eaton, J. Frank Swift, J. O. Rountree.

These names of Secretaries of the Committees of the Executive Committee are added: On Evidence—J. H. Titcomb and D. McK. Baker; on Qualification—E. T. Beals.

First, as to the cause or pretence for the organization of the Vigilance Committee: It is declared by its ex-members and supporters, or apologists, that it was necessary for the reason that the law was not duly administered; that the Courts, the fountains of justice, were either corrupted or neglectful of their duties; that juries were packed with unworthy men in important criminal cases, that there were gross frauds in elections, by which the will of the people was defied and defeated, and improper and dishonest men, some of them notorious rogues, were counted in and installed in public office; and that there was a class of turbulent offenders who had the countenance, if not the support of Judges and officials in high places, and who, therefore, felt themselves to be above or exempt from the law. Tennyson has well remarked that there is no lie so baneful as one which is half truth. So it is in respect to these alleged reasons for the organization of that Vigilance Committee. It is not true that the Courts were corrupt, neglectful or remiss. Judge Hager presided in the Fourth District Court, and his integrity and judicial qualifications, or judgments, have never been questioned or impeached. Judge Freelon presided as County Judge; the same can be remarked of him. There was no material fault alleged against the Police Court. It is true, however, that in important criminal

cases, and sometimes in civil suits, the juries were often packed. But why? I will state: Merchants and business men generally had great aversion to serve on juries, particularly in important criminal cases, which are usually protracted; and the jury were kept in comparative close condition, because their time was too valuable, and their business interests required their constant attention. They preferred, therefore, to pay the fine imposed, in case they were unable to prevail upon the Judge to excuse them. Jury fees were inconsiderable in comparison with their daily profits; but it was the loss of time from their business which mainly actuated them. Yet these fees were sufficient to pay a day's board and lodging, and to the many who were out of employment, serving on a jury was the means to both. There is, in every large community, the class known as professional jurymen—hangers about the Court, eagerly waiting to be called. There were men of this kind then; there are more than enough of them still loitering about the Courts, civil and criminal. San Francisco is not the only city in the United States in which defendants in grave criminal cases have recourse to every conceivable and possible means, without scruple, to procure their own acquittal, or the utmost modification of the penalty, by proving extenuating circumstances, or that the indictment magnifies the crimes. This was true of 1856; here, as elsewhere in the land; it is equally true now. Had the merchants and solid citizens then drawn as jurors, fulfilled their duty to the cause of justice, to the conservation and maintenance of law and order, they would have had no cause or pretence for the organization which they formed. The initial fault was attributable to themselves; the jury-packing they complained of was the direct consequence of their own neglect of that essential duty to the State, in the preservation of

law and order; and they cannot reasonably or justly shift the onus from themselves upon the Courts.

Concerning the frauds in election : yes, there were frauds, outrageous frauds, at every election; repeaters, bullies, ballot-box stuffing, and false counts of the ballots to count out this candidate and count in the one favored of the "boys." More than one member of the Vigilance Executive Committee had thorough knowledge of all this, for the very conclusive reason that more than one of them had engaged in these frauds, had not only participated in them directly and indirectly, but had actually proposed them; employed the persons who had committed the frauds, and paid these tools round sums for the infamous service. The reward of these employers and accessories before, during and after the frauds, was the office that was coveted; and the "Hon." prefixed to their names was as the gilt which the watch-stuffer applies to the brass thing he imposes upon the greenhorn as a solid gold watch. Out of the Committee, of the Executive Committee, the detectives of that body might have unearthed these honorable and virtuous purifiers and reformers; with them, perhaps others whose frauds were no less wicked and criminal; but in business transactions, and not in political affairs. One of the Executive Committee had served his term of two years in the Ohio State Prison for forgery; here in San Francisco he had, during two city elections, been the trusted agent and disburser of a very heavy sack in the honest endeavor to secure the nomination, and promote the election, of his principal to high office; yet this pure man was honored by his associates of the Committee, and became singularly active in pressing the expatriation of some of the very "ruffians and ballot-bostuffers" he had patronized and paid. He had learned that "dead men told no tales." This pure character did not stand alone in his experience of

penal servitude, as birds of a feather, and he was under no necessity of exemplifying Lord Dundreary's bird, to go into a corner and flock by himself. That some turbulent offenders, and largely too many of them, defied the law, is likewise true. But that they were countenanced or favored by the Judges, is utterly without truthful foundation. And it is remarkable that, of all the men hanged or expatriated by the Committee, only two had ever been complained of or arraigned before the Courts for any crime of violence; not one of them all had been here accused or suspected of theft or robbery, or other felony. This is more, as I have just above stated, than can be said of some of the forty-one members of the Executive Committee. And among the members of the rank and file of the five thousand or six thousand enrolled upon the lists of the Committee—of natives and English-speaking citizens or residents—there were scores of scoundrels of every degree, bogus gold-dust operators, swindlers and fugitives from justice. Of the members of other nationalities—some of whom had not been in the country long enough to acquire English—I have no occasion to pass remark; but the fear of communism and disturbance, from the increase of its incendiary votaries in our country, east and here, cannot be lessened or composed by the recollection of the conduct of many of the same nationalities who then swelled the ranks of the Committee troops.

CHAPTER II.

Saturday Nov. 19, 1855, between 5 and 6 o'clock, the community was startled by the report that General Richardson, United States Marshal, had been shot dead by a gambler. The shooting occurred on the south side of Clay street, about midway between Montgomery and Leidesdorff streets. The fatal shot was fired from

a deringer pistol by Charles Cora. Cora was a gambler, yet he did not look the character. He was a low-sized, well-formed man; dressed in genteel manner, without display of jewelry or loudness; was reserved and quiet in his demeanor; and his manners and conversation were those of a refined gentleman. I first saw him at the Blue Wing, a popular rendezvous for politicians, on Montgomery street, east side, between Clay and Commercial streets, and my impression then was that he was a lawyer or a well-to-do merchant. General Richardson was a morose and at times a very disagreeable man. He was of low stature, thick set, dark complexion, black hair, and usually wore a bull-dog look. He was known by his intimate friends to be a dangerous man as a foe, and he always went armed with a pair of deringers. The Thursday night prior to the shooting General Richardson and Col. Jo. C. McKibben, afterwards member of Congress, were at the Blue Wing in company. After midnight Richardson went out for a moment on the sidewalk. A man passed him, made a jocular remark and entered the saloon. Richardson followed him in, and asked of Perkins his name. He had been drinking heavily. McKibben prevailed upon him to start for his home. It was on Minna street, near Fred Woodworth's, just above Jessie street. Jo. accompanied him most of the way. Richardson spoke to him of an "insult" he had received from "that fellow Carter"—as he seemed to think the name to be—and declared his purpose to make him answer for it. McKibben knew Cora, and that Cora was the man to whom Richardson referred; but he likewise knew enough of Richardson to not correct him, and let him believe that "Carter" was the name, in the hope that, in his condition, he would either not think of the occurrence the next day, or would not be able to recognize Cora if he did. The following Saturday afternoon a party of us—Jo. Mc-

Kibben, John Monroe, Clerk of Judge Hoffman's Court, E. V. Joice, Pen. Johnston, Josh Haven and myself were in the Court Exchange, corner of Battery and Washington streets. Richardson came in while we were there, and was in drinking humor. He became sullen and, as we all knew his nature, it was quietly agreed among ourselves that we would leave and try to get him away. He was devoted to his wife, whom he married in San Francisco. McKibben and myself accompanied him on his way home, as far as the old Oriental Hotel, within a few blocks of his residence. There he insisted on a "last drink," and we left him—he to go straight home. It turned out that he did not. He brooded over the "insult" of Carter, as he still called him, and made his way to the Blue Wing to find him. Unfortunately he found Cora there. He called him out, and, as one man will lead another by his side, walked with him around the corner into Clay street, halting just in front of the store of a French firm—I do not remember the name—and so managed as to put Cora on the iron grating of the sidewalk inside, with his back to the brick wall of the store. Cora had not the slightest idea that Richardson had taken offence at his remark on Thursday night—for it was in no light offensive or insulting, but simply a bit of ordinary pleasantry, and therefore, he was not aware of Richardson's object in asking him to come out from the saloon. But many of Richardson's intimate friends, who felt his death keenly, and were at that time disposed to the extreme penalty of the law upon the man who shot him, after due reflection and deliberation came to the conclusion, that under the circumstances, standing as he was placed before Richardson, who stood with his hands in his pockets, and a deringer in each pocket, pressing his demand on Cora, the latter had one of two things to

do: either to kill Richardson or allow Richardson to kill him.

There were not many on Clay street, near the fatal scene, at that hour, but the discharge of Cora's pistol soon brought several to the spot. Richardson's body was carried through the side-door entrance on Clay street, into the drug store then on that corner of Montgomery street, and there hundreds viewed it. Cora was taken in charge. Dave Scannell was Sheriff. That excitement over, the feeling increased every hour, and many urged the summary hanging of Cora. Scannell had duly prepared for all this, and order was preserved, although several hundred men formed in line and proceeded to the County Jail to force their way in, seize Cora and hang him forthwith. Sunday morning the excitement had diminished in spirit of violence, but had increased in volume and disposition to bring Cora to justice. Eminent lawyers, the personal friends of Richardson, had already volunteered to assist in the prosecution of the man who shot him. The application of Cora's friends to several of the most noted criminal lawyers in the city, to defend him, was in many instances declined. Cora had one to his support, however, who proved more successful in engaging counsel in his behalf. This was the woman known as Belle Cora, the keeper of a notorious house, with whom Cora lived. She was rich and possessed of indomitable spirit. She was devoted to Cora. In this connection I will relate that which Governor Foote imparted to myself and J. Ross Browne, on a trip to Oregon, late in the summer of 1857. It was substantially this. Belle Cora had gone herself to the law office of Colonel E. D. Baker, to engage him as counsel for Cora, and had succeeded. The fee was to be \$5,000; one-half this sum was immediately paid to him. She then applied to Governor Foote to engage him to assist in the case. He declined, but assured her that he should.

not appear for the prosecution. In a few days, on account of the intense popular feeling toward Cora, and also because the law partner of Colonel Baker had strenuously objected to his acting as counsel for Cora, as it would greatly damage their professional business and their personal standing in the community, Baker called upon Governor Foote and requested him to see Belle Cora and apprise her that she must employ some other counsel; that he felt that he must withdraw from the case—the \$2,500 already paid would be returned to her. To extricate his professional brother from his unpleasant situation, Governor Foote consented to undertake the disagreeable mission. The woman was immovable in her determination to keep Colonel Baker to his engagement. And she intimated in terms not to be misunderstood that she was determined that he should fulfil his obligation. Colonel Baker was a man of dauntless courage in facing dangers of human quality; but he was in constant fear at sea; and it seems there was another quality of peril which overmastered his intrepid spirit. When Governor Foote related to him the result of his mission, he advised the Colonel to see the woman himself. Colonel Baker did go, Governor Foote accompanying him. The Governor said he had never witnessed such a manifestation of a woman's power and irresistible influence. Belle Cora was inspired to the height of heroism, in her devotion to Cora, her purpose to secure his acquittal and prevent his sacrifice. She first appealed, implored, begged Colonel Baker to stand by his engagement. He making no response, and seeming not to yield, she commanded that he must, that he should. She would double his fee. She would have him appear as Cora's counsel, if he did no more than sit in Court with Cora near him, and speak no word at all. But go in Court and have it known that he was Cora's counsel, he must. She was inflexible in this. And

when the day of trial came Colonel Baker did appear, together with General James A. McDougall, Colonel James and Frank Tilford—as counsel for Charles Cora, and it was on that trial that he made the most eloquent and extraordinary argument and plea of his life in a criminal case. It was not a packed jury in Cora's case. Care had been taken to empanel only good, respectable citizens, some of whom, a short time afterward, became members of the Vigilance Committee, and in great or less degree participated in the seizure of Cora from the county jail and in his condemnation and execution. Three of the jury were prominent Front street merchants. Notwithstanding all the feeling against Cora, the popular unrelenting prejudice, and the great preponderance of the foremost legal minds of the San Francisco Bar, to his prosecution, Alex. Campbell, General Williams and Colonel Sam. Inge, U. S. District Attorney, to assist the public prosecutor, the jury disagreed, and of the jurors who held out against a verdict of guilty of murder were three Front street merchants and others of equal high standing in the community. Cora was held for another trial, and it was while awaiting this that he was seized by the Vigilance Committee, taken to their rooms and hanged.

The excitement consequent upon the killing of Richardson did not culminate in the formation of a Vigilance Committee, similar to that of 1851, but it influenced the public mind in that direction. It was the piling of the combustibles which required only the next spark from the electric battery to fire the heap to consuming flames. There were still in the city a round number of the early Vigilance Committee which had ridden San Francisco of the "Sydney thieves;" some who had also, in 1849, suppressed the "Hounds;" and they were prepared again to meet violence and law-

lessness with the stronger arm of organized force and the quick, sharp vengeance of the *lex talionis*.

The occasion soon came. May 14th, 1856, between 4 and 5 o'clock, afternoon, James P. Casey shot James King of William on Montgomery street, at the corner of Washington. He fired only one shot. King was facing Casey as he fired; he immediately staggered and fell. A crowd gathered in a very few moments. Casey was taken into custody and Sheriff Scannell hastened him to the county jail in a hack. The excited crowd followed and clamored for his life; they wanted to hang him at once. Then followed the organization of the Vigilance Committee, mainly directed by members of the Committee of '51. An Executive Committee of forty-one members composed the head and governing branch; a military and patrol department was organized, duly officered. The rank and file in a few days numbered between 5,000 and 6,000 men, armed, drilled and disciplined. The second floor of the Truitt brick block, southeast corner of Front and Sacramento street, embracing half a dozen stores below, was made the Committee headquarters. All around in front of the block, nearly to the middle of the street, gunny bags filled with sand were piled five feet high, and two pieces of artillery were mounted at the ends, for offensive and defensive purposes. The name of "Fort Gunny Bags" was given to it. Guards were constantly on duty inside the fort and at the two narrow passage-ways to the doors on the lower floor, from which the stairs led up to the rooms occupied by the Committee. At the doors, at the foot of the stairs, midway on the steps, at the top of each flight, before every door to every room, and in the passages which led to the different rooms, guards were stationed, with muskets loaded and bayonets fixed. Fort Gunny Bags was as a garrison in time of active war. A very large triangle was hung from the roof of the block occupied

by the Committee to sound the signal-call to duty of every member, at any time of day or night; also a bell contributed from Monumental Fire Engine Company, whose leader was George Heossafros, (ex-Chief of the Fire Department). The Executive Committee Court hall and rooms, the rooms of the officers, the rooms for the guards, and the small, close, crimped cells for the prisoners, were all upon the second floor—the upper floor of the block. The entire place was thoroughly guarded.

Casey shot King Wednesday afternoon, May 14th. After the organization of the Vigilance Committee, a number of prominent citizens who were opposed to every movement of that kind and believed in due obedience to the law and in submission to the constituted authorities under every circumstances, likewise organized under the title of the Law and Order Association. Impulse was given to the movement by an unlooked-for incident. The *Daily Herald* had been for four years annually voted by the guild of auctioneers the auction advertisements, which filled one whole page of the paper. John Nugent was owner and editor. He had approved and upheld the Vigilance Committee of 1851 in the *Herald*. It was expected that he would approve the Committee just organized. He adopted the contrary course. The *Herald* denounced the Committee in strong terms. The merchants had generally approved and joined the Committee. That morning every copy of the *Herald* was gathered, a pile of the papers made in Front street, and burned. It was the significant rebuke which the merchants made; but they did not stop at that—they erased their names from the carriers' lists. Thousands of other citizens did the same. That morning the *Herald* was a sheet of forty columns, with the largest advertising patronage and largest circulation of any daily newspaper in San Francisco. The next morning it appeared, a small sheet, not much

larger than a sheet of foolscap, of twenty-four columns. The *Herald* was the favorite organ of the Democracy, of the anti-Broderick and Southern wing of the party, particularly. The especial organ of that wing, the *Times and Transcript*, had ceased publication a few months before, and its patronage went mostly to the *Herald*. Nugent was opposed to Gwin, the powerful leader of the anti-Broderick party, more than he was to Broderick; but this was overlooked by many of Gwin's supporters. The friends of General McDougall were his warmest friends and backers. They now rallied to his support and to the sustenance of the *Herald*. General Volney E. Howard, J. Thompson Campbell, Judge R. Augustus Thompson, W. T. Sherman, the manager of Lucas, Turner & Co.'s banking house here—now General Sherman—Austin E. Smith, Sam. E. Brooks, Gouverneur Morris, Hamilton Bowie, Major Richard Roman; and the solid old merchant, Captain Archibald Ritchie, with hundreds others, stood steadfast by Nugent, for Law and Order, and against the Committee. J. Neely Johnson was Governor of the State, and controlled the militia. He was petitioned by the Law and Order Organization to take action and issue a proclamation requiring the Vigilance Committee to disband. Governor Johnson came from Sacramento to San Francisco by steamboat on Friday night, and was met at the wharf by a deputation of the Law and Order body. Subsequently, up town, a committee from the Vigilance Committee, accompanied by Col. Baillie Peyton, met him, and with them he held a long conference.

CHAPTER III.

The particular subjects at issue, on each side, were the *status* of the Committee, the authority of the Governor to command its disbandment. The Committee

had expressed the desire or the intention to have Casey committed to their custody, alleging that his escape from the jail was not unlikely for certain reasons. The Governor at length acceded in general terms to the propositions of the Committee, and measurably assured them his support. The Law and Order leaders were amazed, incensed and disgusted at the weakness of Governor Johnson. He had as good as surrendered the jail to them, and they had only to go and seize it, and capture the prisoners. This was known in the city on Saturday, and the Law and Order body prepared for the expected emergency—the defence of the jail from the assault of the Committee. Steps were taken for the defence of the jail by the Law and Order men, who volunteered for the occasion. The Committee had likewise made preparations.

A digression of amusing nature will not be out of place here: The steamboats from Sacramento then landed at Pacific street wharf, and arrived usually about 9:30. The Oakland ferry boat made her last trip over a few minutes after the Sacramento boat landed her passengers. Governor Foote had his residence at Clinton. Saturday morning one of his daughters called at my office and said that her father was at Benicia, and they expected him home that night. "But," she continued, "you know what a terrible excitement there is in the city, and how likely father is to take active part in anything which enlists his sympathies or stirs his feelings; and we all fear that he will do something imprudent. I know he will be very strong on the Law and Order side, and it will be better for us all if he will come directly home and not stay in the city to get mixed up in these terrible troubles." She requested me, therefore, to be at the boat that night when she landed, and to prevail upon her father, if he were otherwise disposed, to take the boat for Oakland. I promised, and that night I took

a hack for the wharf, a quarter of an hour before the usual time of the boat's arrival. As the hack turned from Montgomery street into Washington, I noticed a crowd at the door-way of the Bank Exchange. Calling to the driver to stop a moment, I entered the saloon. I learned that the boat had already arrived, a half hour ahead of ordinary time. My disappointment was in a moment sunk in my surprise. I heard Governor Foote's voice in loud tones, toward the front of the room. It was a surprise to see him in a bar-room, for he was not addicted to drinking, and except in the Orleans at Sacramento during the Legislature, when he was candidate for United States Senator, I had never seen him in a saloon. But that which most astonished me was the Governor's warmth of approval of the Vigilance Committee, and his animadversions and regrets in regard to some of his friends, who had taken active part on the Law and Order side. He stood the centre figure of the crowd close about him, declaiming with his accustomed fluency and energy. I left the saloon, dismissed the hack, and walked to my own quarters, ruminating on the common saying that, "white man is mighty uncertain." Thence on Governor Foote was a red-hot "Vigilante."

Surday morning, May 18th, there were, besides the Sheriff and his deputies, the officers and guards, a force of 106 Law and Order men, armed with muskets, inside the County Jail, ready to defend it against the expected attack of the Vigilance troops. Before noon they came from every part of the city, several thousand strong. A piece of artillery was trained in front of the jail entrance, with men to handle it. The armed force in the jail and upon the wall appeared ready for the encounter. The Commander of the Committee forces demanded from the Sheriff the surrender of Casey and Cora. It was refused. There was some parleying. It ended in the withdrawal of the jail

guard, and of the Law and Order forces also, the admission of the Vigilance officers into the jail, and the surrender to them of Casey and Cora, who were taken to the rooms of the Committee, and put in the separate cells prepared for them. The whole affair occurred within the space of an hour. The State and City and County authorities had succumbed to the Committee without resistance, and the law was usurped by the new and self-constituted power. The Courts were virtually overborne and ignored, if not derided; and the will of the Vigilance Committee became the supreme law in San Francisco.

In the County Jail at the time was Rod. Backus, a young man of good family, cousin of Phil. Backus, an auctioneer of considerable prominence in mercantile and social circles. Rod. Backus had shot dead a man whose face he had never seen until the moment before he shot him, a dozen paces distant. It was in Stout's alley. It was a murder, a wanton murder, without provocation, excuse, extenuation or palliation whatever. Rod. Backus was a frequent visitor at a house of the demi-monde in the alley, and one Jennie French was his favorite. As he came to visit her one evening, at dusk, she was standing in the doorway, at the head of the iron stairway which led to the entrance on the second floor. On the opposite side of the alley, walking slowly toward Jackson street, was a man of ordinary appearance. As Rod met her on the top platform, Jennie said to him: "Rod, that fellow has insulted me; shoot the —— ———." At the word Backus drew his pistol and fired. The man fell. He had turned his face the moment Backus fired. It was an instantly fatal shot. Backus had influential friends among business men and politicians. The Coroner held an inquest. A jury to hold Backus blameless had been secured, but they overshot their mark—the thing was too transparent, too bare-faced. The murdered

man was a German much respected by his countrymen. They determined to press the matter to justice. Backus was indicted, tried, convicted of murder and sentenced to death. None of just mind questioned the righteousness of the sentence. But his case was appealed, and at last he had his crime reduced in degree, and received sentence of a short term—three or five years in San Quentin prison. This easy let-off did not satisfy him; he wanted a verdict of acquittal, and expected still to get it. Accordingly he again appealed his case, and while in the County Jail awaiting the action of the Supreme Court upon his appeal, the Committee had seized and taken away Casey and Cora. He was not molested; nevertheless, his fear of consequences impelled him to withdraw his appeal, submit to his sentence, and serve his term at San Quentin. He even begged to be taken there at once, and he was. The explanation made by the Committee leaders for not taking Backus was that the law had already passed judgment in his case, and the Committee was not disposed to interfere with the judgments of the Courts. The explanation was puerile and inconsistent with their action in the case of Cora, who was also in the hands of the Court and was awaiting another trial. A portion of the jury, among this portion Front street merchants and other respectable business men, had held him to be not guilty; and surely this was more than any juror had expressed in the case of Backus. Moreover, Backus had himself demonstrated his dissatisfaction with the very mild verdict in his last trial, and was, the same as Cora, awaiting the issue of another trial. The common belief was that Backus owed his exemption from the grasp of the Committee and from the dread penalty which Casey and Cora suffered, not to any doubt as to his guilt, but solely on account of his relationship and his social standing. He had been boon companion of many of the young men of

the Committee before he committed the murder in Stout's alley.

Now, as to Casey: he has been described as a ruffian and villain of irredeemable depravity—desperate to the last degree. James P. Casey was a young man of bright, intelligent and rather prepossessing face, neat in his person, inclined to fine clothes, but not flashy or gaudy in his attire. He was of low stature, slender frame, lithe and compact, sinewy, nervous, and very agile. His eyes were blue and large, of bold expression. His voice was full and sonorous. He had served as Assistant County Treasurer for two years, handled a large aggregate of money in that capacity, and his accounts squared to a cent when he handed over the books to his successor. He was twice Supervisor. His record in that office will favorably compare with that of any who have succeeded him. During his lifetime in San Francisco he was never accused of crime; never suspected of criminal offence. Ballot-box stuffing was charged to his account; also fraudulent counting in elections. Doubtless there was foundation for each charge. But there were members of the Executive Committee who had been associated with him in these gross wrongs, and at least one of them had gained place and profit therefrom; and these equally or more guilty men voted to hang their former associate in evil deeds. It may be remarked, further, that in the face of the colossal frauds of Returning Boards and Canvassing Boards within the last dozen years, in States South and in the States North, by which the people were defrauded of their choice for President on two occasions, the offences of Casey in the comparatively small matter of a municipal election, are better left unmentioned. Even now, in San Francisco, how many are there in local office who can with clear conscience declare their innocence of crookedness or corruption, or fraud in elections?

When it comes to throwing the stone at the staked sinner, conscience palsies the arm of many who feel disposed to throw it. Casey was once in the city prison for riotous conduct. At a very hotly contested democratic primary election, in the early fall of 1855, between the Broderick and Gwin wings of the party, Casey got into trouble. The polls were on Kearny near Pine street. Toward the close nearly all on each side who had participated in the election were in inflamed condition. Casey had gone to the polling place to ascertain the result. He carried no weapon. Immediately he was set upon by five of the wing, to which he was opposed—Bob Cushing, J. W. Bagley, and three others, all armed with either knife or pistol—two of them with both. Casey did not know fear; he was game from crown to toe. One ball grazed his forehead on the right side, another the occiput just behind the left ear, and shot off his hat. His shiney bald head made that a conspicuous mark, but the range was too short and the shooters were too excited for accurate aim. Casey had been taken by surprise, but the slight creasing of the bullets, abrading the skin and stinging, instantly impelled him to rapid and desperate action. He rushed upon one of his assailants and wrested a knife from his grasp. With this he turned upon Cushing, plunged it in his body just above the lower ribs, and as Cushing was sinking to the ground, he turned the knife and cut upwards with such power as to cleave the rib the blade struck against. One of the five had become so nerveless at the sight, that he dropped his pistol. Casey leaped and secured it. He shot at Bagley and the ball penetrated his breast. As he fell, Casey likewise secured his pistol. The two others were game, but confused and shot wildly. The bullets went through Casey's coat and vest, riddling each in a dozen places; but not one of them did so much as to graze his skin. The third

man had been paralyzed with fright after the first clash. After emptying their revolvers ineffectually the two others left the ground; Casey remained the master of it. Not for long, however. A policeman who had watched the affray from a safe distance then rushed up, arrested Casey, took him to the City prison, and booked him for assault with a deadly weapon. That evening I met Colonel Baillie Peyton, Colonel Jo. P. Hoge, and Colonel Ed. Beale on Kearny street. They had been told of the encounter, and expressed the desire to see Casey to compliment him for his bravery, and congratulate him upon his miraculous escape. Accordingly we visited the prison and saw Casey, with his clothes shot to shreds from the left shoulder pit down to his waist, and no wounds other than the slight creases upon his forehead and occiput, neither of these so deep as to draw blood. All of us expressed surprise that the policeman had arrested him—attacked and fighting for his life in clear self-defence, as he had been—and letting his assailants go free. Colonel Hoge and Colonel Peyton volunteered to act as counsel for him in Court; and bidding him good-night, with hearty shake of hands, we all came away. Next morning no one appeared to prosecute him, and Casey was discharged.

It will serve to state the offence for which Casey was sentenced to State Prison in New York, before he left for California. He had, the same as many other young men, taken up with a girl of loose character, whose chastity had been spoiled by another, and hired and furnished an apartment for her. The two lived as man and wife—much as too many live in that same relation, for they quarreled and separated. In his hot temper one day, he saw her upon the street, and instantly the thought flashed upon his mind that he would go to her apartment and have the furniture taken from it. He still kept a key to the door. He

hired a wagon, and carried out his determination. The landlady supposed it to be all right. He had paid the rent in advance, and she was that much the gainer. He took the furniture to a second-hand furniture dealer, sold it and kept the money. As he bought it, he felt that it was his to sell. On the return of the girl, the landlady told her what had occurred. In taking the furniture, he had also carried away some articles which belonged to the girl. She hurried to the Police Court, made charge against him, and he was arrested. He made no defence and was convicted. The sentence was eighteen months in Sing Sing prison. He served his time and came to California. This was the damning record which James King of William had threatened to publish in his *Bulletin*. He did not publish the facts of the case; but only the fact of the indictment, the conviction, the sentence and imprisonment. King had been told all this by a man who had been clerk to the District Attorney, and was cognizant of all the facts. He was a prominent Broderick man, hated Casey for having left that wing of the party and joined the other wing, and adopted this means to blast him in reputation. Casey was morbidly sensitive on the subject. He had been apprised that King intended to publish the matter; and early in the afternoon of the day of the shooting he called upon Mr. King in his office, and warned him to desist from the publication. King gave no heed to the warning; the matter appeared in the *Bulletin* that day. Casey was exasperated to madness. He armed himself, watched for King on Montgomery street, but did not conceal himself. It was King's invariable custom to leave his office in the small one-story brick building which so long obstructed Merchant street on the east side of Montgomery, soon after the *Bulletin* was issued, walk to the cigar store on the north-west corner of Washington and Montgomery streets, and

thence out Washington street homeward. He usually wore a talma of coarse fabric, loose and reaching to his hips. It was sleeveless, concealing his arms and hands. As he came out of the cigar store, Casey hailed him. The distance between the two was about forty feet. Casey shouted to him, "Prepare yourself!" and fired. King tottered and sunk upon the sidewalk. He had frequently made notice in his paper that any whom he denounced in its columns had the privilege of adopting their own mode of recourse; stated the route he usually took to and from his office, and with the significant hint, "God help any one who attacks me," defied that method of redress. Casey took him at his word. King was borne to the room in Montgomery block, in which he died a few days afterward. The ball had penetrated his body from the left side of his breast, just below the line of the arm pit, and ranging upward and outward to the back of the left shoulder. The surgeons pronounced it a dangerous but not a mortal wound. Dr. Beverly R. Cole was Surgeon-General to the Committee brigade, and a member of the Committee. Months afterward he declared in a public statement of the case that King died from the unskillful treatment of the surgeons, and maintained that with proper treatment he would have recovered. Still it was the wound which superinduced his death; and Casey had fired the ball which made it.

CHAPTER IV.

May 22d, the day of King's funeral, while the immense procession was passing through Montgomery street, Casey and Cora were hanged. Two projecting beams had been rigged from the roof of the building on Sacramento street, occupied by the Committee, for the purpose. Out of two of the windows of the second story, immediately under these beams two

stout planks, sixteen inches wide, were extended over the street to an equal distance. At the outer end of each plank, on the under side, were stout hinges connecting the traps upon which the two men were placed, with the ropes about their necks, suspended from the beams. Two other ropes held the traps even with the planks. The two men were led out upon the traps. Permission was given to them to speak their last words. Casey availed himself of the privilege and spoke a few minutes in clear loud voice, in somewhat excited manner, denying his guilt of murder and vindicating his action. Cora stood all the while as motionless as a statue. Not a tremor or quiver was perceptible. The white cap covered his head and face to below the chin. At the conclusion of Casey's brief speech, the cap was drawn over his face, and as the hangman pulled it down he whispered in his ear something that made the doomed man start as if to break the bands which held his arms. In an instant the signal was given, the traps sprung, by the two men on the roof cutting the ropes which upheld them, and Casey and Cora were launched for the death to quickly come. Casey struggled for a few moments; Cora showed no sign of pain or life. After death the bodies were cut down, and shortly afterward were delivered to friends who had provided for their burial. The hangman of Casey was Sterling Hopkins, a notorious character, with whom Casey once had a difficulty. He had begged the Committee to officiate in the event of Casey's condemnation to death by the rope; and the whispered words he hissed in Casey's ear, as he subsequently boasted, were of exultation over his opportunity of revenge, and of brutish import respecting the powerless victim. Casey had been foreman of Crescent Engine Company, No. 10, located on Pacific street, below Front. Cora's remains were given quiet interment. The Sunday following the execution Casey was

buried. A very large procession followed his remains to the Mission Dolores Cemetery, in which a monument was in due time erected to his memory. Upon it is inscribed the manner of his death.

Governor Johnson had at first played into the hands of the Committee. He had come down from Sacramento to San Francisco, in the middle of May, and virtually caused the surrender of the county jail to the Vigilantes, for the capture of Casey and Cora. At the instance of the leading men of the Law and Order organization, he subsequently changed his course, and endeavored to undo that which he had done. It was too late. The Committee had already become the master of the situation. It was the supreme power in San Francisco, and it had erected such harmony of spirit with it in Sacramento, Marysville, Stockton, San Jose and other interior cities and towns, that it was the paramount local authority and formidable generally throughout the State. General Wool was at that time in command of this Federal military department. The Federal Arsenal was at Benicia. For the want of authority from the Federal government at Washington, neither the military nor the naval forces could interfere, and the hands of General Wool, the same of Commodore Farragut, were practically tied. The only way in which the Federal authority could be invoked was by due process of constitutional law. This required that the Governor should convene the Legislature, that that body should call out the State militia to quell the insurgent or rebellious Vigilantes; and, these being insufficient for that purpose, then the call for the aid of the Federal forces would be in order. It would take months to do all this. Prompt action was the imperative necessity. Governor Johnson did not act with promptitude. He sent on a committee of citizens to Washington. President Pierce could do nothing under the circumstances. He must first be satisfied that the

powers of the State had been inadequate to overcome the trouble. This had not been done; and it was of first importance before the strong arm of the Federal authority could be ordered.

Meantime an incident occurred which helped to fortify the Committee and to impair the power of the State, in the popular estimation. Upon order of Governor Johnson, six cases of muskets were delivered to Jas. R. Maloney, at Benicia arsenal, put aboard the schooner *Julia*, to be delivered at San Francisco, to the Law and Order organization. The Vigilance Committee Executive had been apprised of the transaction, and adopted means to get possession of the arms. Accordingly, on June 21st, as the *Julia* was on her way down from Benicia, she was boarded in San Francisco Bay by C. E. Rand and John L. Durkee, in the employ of the Committee, and the two captured the schooner, took possession of the muskets, and delivered them into the keeping of the Committee. The six cases contained 113 muskets. Action was brought against Rand and Durkee for piracy, in the United States Circuit Court, Judge M. Hall McAllister presiding, and Judge Ogden Hoffman sitting as associate. The trial came off September, 1856, and on the 23d of that month the jury returned a verdict of acquittal. Adjutant-General Kibbe, of the State militia, meantime made unavailing demand upon the Executive Committee for the arms. They were not returned to the State until after the Committee had disbanded.

The next who suffered death at the hands of the Committee were Hetherington and Brace. Hetherington was an Englishman, a man of considerable wealth. He was six feet stature, of heavy form, strong in muscular power, equally so in will and purpose; and he was overbearing in his nature, violent in his passions. He was possessed of valuable city property.

In a difficulty over a lot toward North Beach, a few years before, he had shot dead Dr. Baldwin, who had located upon it and claimed it as his own. He was tried and acquitted. Hetherington had had money transactions with Dr. Randall, formerly Collector of Monterey, and owner of a large tract of land in Butte County. He had loaned a large sum of money to Randall, which Randall seemed indisposed to pay. There was some irregularity in the note or in the mortgage bond. Randall contended that these were made at the instance of Hetherington himself, and insisted upon the theory that no man can take advantage of a fault of his own; that every man was bound to do exactly that to which the law held him, and equally bound not to do anything to which the law did not bind him. Consequently, inasmuch as the fault was Hetherington's, he was therefore absolved from the payment of the note. One afternoon, Dr. Randall took quarters in the St. Nicholas hotel, on Sansome street, west side, between Sacramento and Commercial streets, kept by Colonel Armstrong, and sat in the office room, in conversation with Colonel W. W. Gift. Hetherington happened in, accosted Randall and abruptly demanded the payment of the note. Randall responded evasively. Hetherington's choler rose, and he came upon Randall in threatening manner. Randall ran behind the office small counter. Hetherington pursued him, caught him by his long beard, reaching to the middle of his breast, and threw him upon the floor. As Randall rose, Hetherington drew his pistol and fired. The shot was instantly fatal. In brief time, Hetherington was arrested by an officer of the law. A force of vigilance officers demanded his surrender, took him and hurried him to the Committee rooms. Through this action the lawful authorities were forcibly prevented passing upon his case.

Brace was a young man, almost a boy. He had

killed a man miles away from the city, but within the county. I have forgotten the circumstances of the crime. The Committee had custody of him, however, and condemned him, as well as Hetherington. Notice was publicly given that the two would be hanged the afternoon of July 29th. The gallows was erected on a vacant half block on Front street, as I remember, between California and Sacramento streets, west side. It was at least twenty feet high, with a ladder from the ground to the platform. From the top cross-beam dangled the ropes. The platform afforded standing space for half a dozen men. A large crowd had gathered to witness the execution. From a cart on the California corner, B. B. Redding and myself were on-lookers. The condemned men were brought to the place under strong guard. Each of them mounted to the scaffold. Brace with quick-step; Hetherington with composure. The hangman, named Dixon, was dressed in long black gown; a black hood completely concealed his face; a clergyman, and two or three of the Vigilance officers or guards followed. A strong guard under arms was stationed about the foot of the gallows. Permission was given the two to say anything they wished. Brace broke forth in a loud rant, profane and obscene, and danced about like one demented. The clergyman felt obliged to stop his blasphemous harangue by cramming his handkerchief over his mouth. He broke away, nevertheless, and again poured forth a tirade, declaring that he was being murdered. At length he became exhausted and ceased speaking. All this time—and it was fully five minutes—Hetherington stood composed and with dignified mien, looking down upon the immense crowd, occasionally glancing at Bruce, who was to his right, and manifested horror at his ravings. When Bruce became silent he spoke. His manner was deliberate and his voice low, clear and firm. He protested against

the action of the Committee in his case; in taking his life they were more guilty of murder than he was, for it was in violation of the law. He asserted that he had not committed murder. Then declaring he should die without malice or enmity toward any, he courteously bowed and indicated to the officers that he was ready for the ordeal. The nooses were adjusted, the caps drawn over their heads, the signal given. The hangman cut the rope which held the traps in place, and down plunged the pinioned bodies of the pair. Bruce writhed and struggled a few moments; then hung as lifeless until his body was taken down. He was of medium stature, slight figure and light in weight. Hetherington's body swayed, but there was no perceptible motion of his limbs. He met death with placid firmness, without bravado. Henry H. Haight, his attorney for years, stated that he was one of the most upright and honorable men in his dealings and general conduct that he had ever known. These were the last that suffered death by sentence of the Vigilance Committee.

It is now appropriate to relate some facts in relation to James King of William. He had been a clerk in a banking house in Washington, and came to California in the early years of the gold hunting. He established a bank in San Francisco, corner of Montgomery and Commercial streets, across from Davidson's. In a year or more Jacob R. Snyder became partner in the bank; but withdrew after about a year. King afterwards merged his bank in that of Adams & Co., of which J. C. Woods was manager. His name was James King. He had suffixed the "of William" to be distinguished from others of his name—as John Randolph used to sign himself "of Roanoke."

Mr. King continued with Adams & Co. as manager of the bank until the failure of that Company. He then became involved in trouble with the Company.

The bank failed one afternoon. Up to noon that day King had received deposits. It was known to other banking houses in the city that the bank would be obliged to close as it did. The word had got out, and some of the depositors became alarmed, and a number withdrew their deposits, notwithstanding Mr. King's assurance that the bank was solvent and solid. Others took his word for it, allowed their deposits to remain, and lost all they had in the bank. There was some mysterious handling of the large amount of money known to be in the bank at the time of the failure. The parties in charge refused to allow Mr. King any part in their transactions as to the disposition of this money—reported to be considerably more than \$100,000 in gold coin. He demanded \$20,000 as his share. This was refused. He then published a statement reflecting upon the persons in charge. This was responded to by a scathing statement, published in the *Alta*, in which Mr. King was held up for public condemnation as a dishonest man, guilty of faithlessness and fraud. He was also accused of having swindled Page, Bacon & Co. of \$400,000, by the sale of bogus gold dust as genuine.

The popular sentiment at the time was that the charges were sustained, and the feeling was strong against him. He was without means and out of business. He conceived the project of going into the newspaper business, of starting a daily evening paper, and obtained a loan of \$250 for that purpose from R. D. Sinton, of the real estate and auctioneer firm of Selover & Sinton, then the leading firm in that line in the city. He started the *Evening Bulletin*, a small sheet, and rented the small brick building in Merchant street for the publication office. The *Daily Chronicle*, published by Frank Soule and William H. Newall, had taken side against the Committee, and soon afterwards ceased publication. Employed on it as a writer was

James Nesbitt, an Englishman, of superior journalistic ability. King employed Nesbitt to assist him on the *Bulletin*. It was made the medium of attack and animadversion upon State and county and city officials, and some of its attacks were as justifiable as are the attacks of the STAR upon rascals in high places now, while others were actuated by personal spite.

The paper prospered. The multitude enjoyed its sharp, short, stinging paragraphs; its vim and vehemence. At length its columns were turned against Major Selover with unrestrained virulence. He had no equal means of reply or defence at his command, but he had at last uttered threats of personal nature, and published King as a liar, a swindler and a coward. To all this Mr. King responded in his *Bulletin*, by stating in that paper that he defied Selover; and he went on to state the place of his residence; the time he left home to go to his office in the morning; the route thither he usually took: and also the same details of his customary way home every afternoon. Selover, or any other person who felt aggrieved on account of anything which appeared in the *Bulletin* was similarly apprised, and thus dared or invited to encounter him on the street. To all of which was added the significant remark for the consideration of Selover particularly, and all others generally: "God have mercy upon my assailant." There was no mistaking this language. And the common opinion was that whatever else would be said of James King of William, he was a game and fearless man. Casey's own statement of the deplorable affair—made in his cell to a friend who had been permitted to visit him in his four by eight feet cell, the day before his death, in the presence and hearing of the guard then on duty, was substantially as follows: that after all Mr. King had said in his paper, any one who attacked him should be well prepared against the worst to himself; that, accordingly, after he had called

early that afternoon upon Mr. King, in his office, and told him what would be the consequence in case the *Bulletin* should publish the matter against him, and it was published, he very naturally expected that King would be prepared for the encounter. But as he did not wish to take first advantage of him, but to allow him fair chance, he cried out to him to prepare, and then fired. He expected Mr. King to return the fire. He did not know whether the ball had hit King or not, because King's loose talina covered his upper body and prevented him from seeing its effect. That—to use Casey's own words—"seeing he did not fire, and believing him a 'dung-hill,' I did not shoot again, but turned to walk away, when I saw him falling; then I knew that I must have hit him, and I went to the City Hall to surrender myself."

To the same person, on the occasion first above referred to—and Casey knew then that his death was certain at the hands of the Committee—he remarked that he had no fear of death; that he would meet it with composure, although he did not deserve it; that which troubled him was that his aged mother should be told that her son was a murderer. This pained him. She lived in New York. He had regularly remitted money to her to maintain her in comfort in her old age; and now she must suffer privation and misery, with the great burden of the knowledge of the manner of his death to weigh her down to the grave. He wished to say something of a confidential nature to his visitor, but the guard refused to permit this, and said that he must hear everything that was uttered. He stood close to Casey all the time, and maintained the utmost severity of demeanor, the most inexorable nature, during the brief time allowed for the visit.

CHAPTER V.

Casey and Cora were hanged on Thursday, May 22d. On Monday, June 2d, a meeting of the advocates of Law and Order was held in the Plaza. Thousands of the Committee members and supporters assembled about the square. Nothing effective came of it. Governor Johnson had meantime been prevailed upon by prominent citizens, on the side of Law and Order, to adopt a course calculated to suppress the Committee. It was too late. The Law and Order element had organized a military force under the State militia laws. W. T. Sherman was made General. Governor Johnson issued a proclamation commanding the State militia to hold themselves in readiness for duty, and to report to General Sherman. In the city a force of about three hundred mustered. It was totally inadequate, and not enough could be expected from the country. In the harbor, in front of the city, the war-ship John Adams, Commander Bontwell, was anchored. Commodore Farragut, commandant of this naval station, was at Mare Island. It was rumored that the Adams would support the authorities in case of conflict with the Committee. Another rumor was that cannons were to be placed upon the hills and at points which commanded the city, to be used if necessary. The excitement continued and increased. A deputation was sent to Washington, at the instance of the Governor, to represent the condition of affairs to the President, and prevail upon him to order the services of the military and naval forces to the suppression of the Committee and the restoration of law and order. The deputation took the next steamer and proceeded to the national capital. President Pierce replied that the federal government had no authority to interfere until the request came from the State government after the Legislature had assembled, acted upon

the matter, and the State authorities had exhausted every means to put down the Committee and failed.

While the excitement was heightened by these rumors and proceedings, an incident occurred which augmented it to frenzied quality. The armory of the Law and Order forces was in the capacious brick building, northeast corner of Dupont and Jackson streets. On Jackson street, near by, a number of its members and sympathizers were standing in groups. Sterling Hopkins, the volunteer hangman of Casey, of the Vigilance police, came up and attempted the arrest of Reub. Maloney, a notorious politician, whose impudence of speech and reckless ways in partisan devices had made him an unenviable reputation. His bravery was in his mouth; his mouth beyond his own control. Judge David S. Terry, then of the State Supreme Court, interposed to prevent the lawless arrest, and in the struggle he drew a knife and dangerously wounded Hopkins. In a few minutes word had reached the Committee headquarters, and the alarm was sounded with unexampled vigor. The Committee forces, marshalled and led by the Commander-in-chief, Charles Doane, Major General, marched in quick time to the scene. Judge Terry had gone to the armory, Maloney and others with him. The Law and Order troops were less than three hundred strong. The Vigilance force numbered several thousand. A surrender was demanded. It would have been folly to resist, and with Terry and Maloney as prisoners, and the Law and Order troops as prisoners of war, so to say, the Vigilance forces marched back to their fortified quarters. The arrest of Judge Terry wrought the excitement to its climax. What would the Committee do with him? was the question asked by every one. His residence was temporarily in Sacramento, but Stockton was his home place. Governor Johnson was devoted to him; David S.

Douglass, Secretary of State, was a bosom friend. Hundreds in the capital city were prepared to go to any length to rescue him. His thousands of friends in San Joaquin, everywhere in the San Joaquin Valley, were aroused to the extremity of desperation. All over the State the feeling for Judge Terry was very strong. Harm to him would have precipitated a domestic row, which would have caused immense sacrifice of life, and the destruction of San Francisco. It would have extended into the interior, and raged there in bloodshed and devastation. The peaceful way out of the difficulty was thought the better course, if it could be accomplished. The occasion was extraordinary, and never contemplated—the exigency beyond immediate solution. As James Dows, one of the coolest in judgment and wisest in counsel of the Executive Committee, pertinently described the situation in the pithy remark, "We started in to hunt cayotes, but we've got a grizzly bear on our hands, and we don't know what to do with him." The Executive Committee were not themselves masters of the situation. Behind them, subject to them and ready to obey their commands on ordinary occasions, were the 5,000 members of the Committee who carried arms, and felt themselves superior to even the Executive Committee, if occasion should happen to test the matter. Of their number nearly one-third were of foreign nationality, and of these a considerable proportion did not very well speak English—they were of revolutionary, if not insurrectionary temper—and had participated in uprisings in their native land against the government. Many of the native born members were of similar disposition. It had been resolved by this element of the Committee, that if Hopkins should die, Terry must hang; and the only alternative of the Executive Committee would be to order the execution or spirit him away, at the peril of their own lives. To hang a

Justice of the highest judicial tribunal of the State, was a very serious matter to contemplate—a most hazardous extremity in any event. If spared from the fury of their troops, by ordering the execution, their death was certain at the hands of Judge Terry's avengers. In this quandary, the Executive Committee were as anxious for a safe way out, without blood or sacrifice, as any of the friends of Terry. Secretary of State Douglass came to San Francisco. He persuaded ex-Senator Gwin to interpose on Terry's behalf. Gwin dispatched Sam. J. Bridges, Appraiser-General, to Mare Island, to request Commodore Farragut to meet him in San Francisco on Wednesday, June 25th. On the afternoon of that day, Farragut, Gwin and two others, on behalf of Law and Order, met four members of the Executive Committee, in a room on the third floor of the Custom House. Senator Gwin explained the object of the conference—to secure the release of Judge Terry. Commodore Farragut then made the proposition: that he would have a boat sent from the John Adams to a stipulated landing place on Market street wharf, at midnight; that the Executive Committee should have Judge Terry escorted to the landing place at that hour; that the Adams should immediately sail for Mare Island; and that there he (Commodore Farragut) would exact a promise from Judge Terry, before he left the vessel, that he would go into the interior of the State, not visit San Francisco inside of six months, and meantime neither excite nor encourage any popular feeling against the Vigilance organization. To this James Dows responded on behalf of the Executive Committee: that the Committee had already submitted to them a proposition from Judge Terry himself, to the effect that he would resign his place upon the Supreme Bench, consent to have the Committee put him on board the next steamer for Panama, and not return to California within the suc-

ceeding six months. He added that, although this proposition had been before the Executive Committee twenty hours, no definite action had yet been agreed upon; the recovery or death of Hopkins was the paramount factor in the case, because of the intense feeling against Terry among the larger proportion of the Committee troops. At this juncture, J. D. Farwell, also one of the Executive Committee, spoke. He was voluble and vehement. He said that the Vigilance organization acknowledged no authority to be superior to itself. "We have," he continued in loud tone and gasconading temper, "proved ourselves the superiors of the City and County government, and of the State government; and if the Federal government dares"—He got no further. Commodore Farragut sprang to his feet, his eyes flashing fire, as electric sparks in brilliancy; his face betokening his fierce indignation; his whole frame seeming a prodigy of the grandeur of human passion highest wrought—the incarnation of the noblest majesty and sublimest patriotism. "Stop, sir!" he thundered—Farwell had stopped and sunk into his seat. And then the heroic Commodore went on to declare what the duty of a citizen was; that which he should do, if occasion required; and closed his less than five minutes burst of withering rebuke and eloquent counsel with an impressive appeal to the other members of the Committee present. The folly and rashness of Farwell had thwarted the wise intentions of the parties who invited the conference. It ended with Commodore Farragut's thrilling words. In a week or more Hopkins was considered past danger from his wound, and Judge Terry was thereupon set free. The Committee had now accomplished about all that had been contemplated at its organization. It had put to death four men. Of these at least two were not guilty of murder, as the law defines that crime. As to the other two, the course of justice

in the Courts at that time gave no warrant for the presumption or belief that a fair and just trial would not have been given them; that their conviction and the death penalty would not have followed. It is not too much to assert that, so far as escape from the penalty of murder is involved, there has been, any time these ten years, and there is now, in San Francisco, stronger cause for a Vigilance Committee than there was in 1856. The administration of the law was better then in general criminal procedure than it is now. There were fewer heinous crimes then, in the ratio of population, than the record of any year for the past ten years will show. In the category of crimes, such as forgery, perjury, embezzlement, frauds by which large sums of money or valuable property is obtained, were then infrequent; now of daily occurrence. But in crimes of violence the record is enormously against this period in comparison with that; the infliction of penalties by the Courts was then more certain than it is now. And as to ballot-box stuffing and frauds in elections, surely the worst ever charged against the manipulators of that period, pales and sinks into insignificance when compared with the colossal fraud committed in San Francisco, in 1876, by which not only the will of the people of the State was overborne, but also the will of the people of the United States. Yet the perpetrators of the unparalleled fraud have never been called to account or punished; to the contrary they are recognized as gentlemen of respectability, even by those who, in 1856, forcibly and lawlessly, as Vigilance Committee members, banishmen ford stuffing ballot-boxes to secure merely a local advantage by the success of a ward ticket. Straining at a gnat and swallowing a camel never had more conspicuous illustration. And the burning fact remains incredible that among the members of the Executive Committee were some who had themselves obtained office by

bribery and corruption, by calling into play the stuffing of ballot-boxes, and by all the wicked and infamous means which were at that time practiced. Another member was, as I have stated before, a felon who had served his time in the Ohio State Prison; another, still living and a highly respectable church member who professes holy horror of fraud, had in early years colluded with his brother to get possession of valuable wharf property, of which the brother was agent and care-taker by appointment of the owner, who had returned to his home in the East, to be gone a year. The scheme of these brothers was a fraud of villainous conception, but it was clumsy and therefore failed. On his return the Courts restored the property to the rightful owner. I might go on and point out other members of the Executive Committee who had committed deeds which, had they been duly brought to answer in the Courts, would have put upon them the felon's brand and the convict's stripes, in some instances; in others, pilloried them as rogues and swindlers, unworthy of trust, unfit for respectable association.

But were one to trace the career of several others of that body, the tracks would be through the sloughs and conduits of shame and turpitude, rascality and crime, and finally to self-murder. It was as bad—it could hardly have been worse, except in numbers, proportioned to the greater numerical force—in the Vigilance rank and file. It is against reason and sense to expect that in a body of five thousand men, there will be none who are not good and honorable; that there will be no base and disreputable characters, no rogues and scoundrels. Therefore it was not strange that of the Committee's entire force, so many were of the vile stamp, notorious gold-dust "operators," who robbed the honest miner of his "pile," by bare-faced fraud; mock auction sharpers, high-toned frauds and swindlers of low degree; and others who neither toiled nor spun,

yet feasted and fattened. All these found in the ranks of the Committee their own security from the incarceration and banishment enforced in the case of so many less culpable than themselves. But the onus rests upon the Executive Committee—they constituted the head and front of the grave offending of the very laws they usurped; they were the counselors and administrators, the accusers and arbiters, of the fate of their powerless victims. Their's was a tribunal organized to convict—they were the prosecutors, the jurors, the Judges, from whose fiat of condemnation there was no appeal; and defense was not allowed. Arrest meant death or banishment. The accused were prosecuted by the promoter or participant with them in the charged offence or crime, and convicted by the verdict in which some who had been accessories were most strenuous for conviction. It is a rule of law that the accuser shall come into Court with clean hands.

Ignoring this just rule and in defiance of law, in usurping the seat of justice, the Executive Committee gave opportunity to several of its members to "compound for sins they were inclined to, by damning those who had no mind to;" to sit in judgment on those whose testimony or confession in a Court of Justice would have turned the tables and wrought the conviction of their accusers, prosecutors and judges. But these strictures do not apply to the greater number of the Executive Committee—to only about a half dozen of its members. The Committee was composed mainly of honorable men, deservedly high in the community, in every walk and relation of life. They doubtless acted from a conscientious sense of duty, and neither intended usurpation of the law, violence to justice, nor any wrong whatever. They believed it incumbent upon them to reform what they regarded as the maladministration of public affairs, and to cleanse the city of the corruption which existed—as it has existed and

always will exist in populous communities, agreeably to the sentiment of Jefferson, that "cities are scabs upon the body politic." And with the best of motives they believed that the organization of the Vigilance Committee was the better and surer remedial agent to these wholesome and commendable purposes. But their action was akin to that of the thousands of citizens who refrain from voting at primary elections, where the seed is planted which will produce its kind in the fruiting on the day of the final and determining election, and subsequently complain of the incompetency or dishonesty of the incumbents whose election is largely attributable to the neglect of these very citizens, to make it their special care that only good and qualified and worthy men shall be elected at the primaries.

I shall now pass to the conduct of the Executive Committee in their arrests, their domiciling visits, and their enforced banishments. Among their victims in the category, banished from the State with the penalty of death if they returned to it, were Charles P. Duane, Billy Mulligan, Billy Carr, Reub. Maloney, Bill Lewis, Martin Gallagher, Woolley Kearney, Yankee Sullivan the pugilist, and John Crowe. These, with the exception of Charley Duane, were all Democrats, devoted to Broderick. Duane had been a Whig, was opposed to the Democrats, yet felt kindly toward Broderick. On the other side—they could not be called Republicans, but were always against the Democrats, and had at last affiliated with the Know-Nothings—were men as notorious as any named above, and of really worse character; but not one of these did the Committee molest. They were either received into its military ranks or were permitted to remain in the city. It was a noticeable discrimination; no reason for it was apparent or expressed on the part of the Executive Committee.

Charley Duane was a man of extraordinary character in his line of life. He had made reputation as a "handy man in a fight" and a very hard one to master before he came of age, in New York. He came to San Francisco early in 1850, in company with Tom Hyer, the champion prize-fighter. He had got the sobriquet of "Dutch Charley" in New York, notwithstanding his Irish blood. Hyer euphonized this into "German Charles." Hyer returned to New York; Duane remained here. He was a zealous, very active Whig, an equally zealous and active fireman; and was once elected Chief Engineer of the Department, against George Hossefross. Subsequently he was appointed one of the Sheriff's deputies. He had killed a Frenchman in a difficulty, was tried for the deed and acquitted. No charge of dishonest nature—theft, fraud, swindling, embezzlement, or anything of the kind, was ever brought against him. But he was somewhat prone to fight, and this was the worst that could be charged upon him. I am not aware that he was ever accused of crookedness in elections except in his zeal to secure the election of Delos Lake, Whig, as District Judge, in 1851. When the Vigilance Committee was organized, in 1856, he openly and boldly denounced it, and was an ardent supporter of the Law and Order side. On what charge he was arrested and banished I have never been able to ascertain. The manner of his arrest added no laurels to the parties who conspired to effect it and the participants in the arrest. It bore the tokens of jealousy and spite sprung from his election years before as Chief Engineer, more than of any present cause. He was entrapped, seized, hauled to the committee cells and banished, nevertheless.

Billy Mulligan was the incarnation of fearlessness, fight and frolic—dangerous frolic it was sometimes to any he did not like. Of low stature, slight frame, active as a cat, the expression of a bull-terrier, and as

quick to an encounter, Mulligan was not a man to pick a quarrel with—the other party invariably second best. He had served under Colonel Jack Hays in his troop of Texan Rangers, and Colonel Hays gave the praise that he was one of the bravest, pluckiest, most daring and desperate fighters he had ever had in his command. Billy had his full share of the vices of drinking, gambling, fighting and a fast life. He was active in politics and “went in to win.” But he had the virtue not to lie; and he would not betray any confidence reposed in him, turn faithless to any promise he made. He was bold, frank, manly, magnanimous except towards those he despised as well as hated, and to these he was implacable and merciless. The world’s wealth couldn’t seduce or bribe him from the support of the men he liked, no matter how poor they might be; and he would on every occasion interpose to protect the helpless and defenseless from the violence or maltreatment of others. Crime of any degree was never alleged to his account. He had faithfully served as collector of moneys for the County Treasurer two years, and fully accounted for every dollar that he received. Beyond his fighting bouts and his conduct in elections—about the same as prevails now—there was nothing to warrant his arrest and banishment. But the terrors of Fort Gunny Bags did not intimidate Mulligan. One of the committee remarked to me, on the occasion of his death by the rifle shot of a policeman while he was wild with delirium tremens, that he was the only prisoner ever put in the committee cells who did not “weaken.” He was a character the community could well spare; but he had given the committee no offence to justify his banishment.

Yankee Sullivan’s character is notorious. He was a professional prize-fighter—ready to try conclusions in the fistic ring with any in the world; but he feared a pistol or a knife as an ordinary man would fear a blow

from his powerful arm. He had helped Mulligan and Casey in some of their election operations, and for that he was arrested. There was no charge of any other nature than this and his fighting quality to warrant his arrest. His courage or spirit broke down while confined in the close cell, and one morning his lifeless body was found stiff in the cell. He had opened a vein in his arm and bled to death. The rumor at the time was—and it is still believed—that he was driven to the deed by the remark made by one of the Vigilance guards outside the cell, but spoken in tone calculated for Sullivan to hear it, that he was to be hanged the next morning. To escape the ignominy of such a death, he anticipated it by his own hand.

Martin Gallagher and Billy Carr were boatmen, and active in party manipulations in the interest of Mr. Broderick in the First Ward. They were tough men to handle in a fight, and usually forced their own way in anything they undertook. With Mulligan they often sat as delegates in city, county and State conventions of the Democracy—together with several other of their associates and kind, who are still more or less prominent in city politics—some of them Democrats, some Republicans. Bill Lewis was sent out of the country none too soon. He was a great, powerful, terrorizing fellow, desperate and unscrupulous, and one to beware of. He took active part in politics, and was terrible in a "scrimmage." Of his redeeming traits I never obtained information. Doubtless he had some. Unlest it was on account of Woolley Kearney's facial configuration, I have never been able to divine why the Committee banished him. He was the homeliest, ugliest looking mortal I ever saw. Had the Committee compelled him to go as the Veiled Prophet, with a gunny sack instead of silver veil, there would have been at least the essence of justice in their action. His bat-

tered, flattened, twisted, gnarled nose, was at every point of the compass, and more hideous at every turn. Why he didn't blow it off when he blowed it, blow'd if any could conjecture. His eyes were squinted, his mouth a monstrous curiosity. Every feature seemed in revolt at that nose. It would have struck awe to the spirit of an Ogre. Woolley was no doubt ready and willing to do any crooked deed, but none who knew him would employ him on any mission in which skill and fidelity were required. His banishment had, perhaps, a good effect upon the unborn generation, whose parents had not then entered the matrimonial state. Whatever other purpose it subserved, except to show to other communities the "latest novelty" from California, is the unfathomable conundrum. John Crowe was a noisy, blatant, meddlesome fellow, the keeper of a livery stable on Kearny street, and a fierce denouncer of the Committee. There was nothing else to his discredit, so far as I could learn at the time. Reub. Maloney was a compound character—a good deal of a knave, something of the man in his fidelity to his friends, reckless of everything except his own safety in any transaction calculated to damage the cause to which he was opposed; indifferent to what might happen to an adversary. He was a most valiant "brave"—with his mouth; the noble quality had never penetrated his cuticle. His passion when bloviating was furious and terrible to look upon; but there was nothing to it more than sound and pretense. His face would redden to congestive hue, his voice swell to sonorous volume; but the simple kindly invitation in quiet tone: "Never mind, Reub, come and take a drink," would unbind him in a moment, and coming up relaxed, smiling to "smile," he would gulf down the dram, and with stated manner remark, "Well, boys, I said about the right thing, didn't I?" He was the

faithful henchman of General James A. McDougall; hated Senator Gwin, and between the two preferred Broderick.

Maloney had been a drummer for a large importing house in New York, his field of labor in the South. He had also been employed in the western states, and endowed with good address, portly figure, much volubility, unfailing cheek and invincible assurance, he successfully pushed his way. He came to California during the fall of '47, located in Stockton, subsequently in San Francisco, and took up "politics" as his means of support. To gain his point in a partisan deal, he would do anything that was not personally dangerous. He cared for ends, and was utterly regardless of means. He was ceaselessly putting up jobs to promote the cause he advocated, and to break down that of the antagonists. With the courage of Babadil he had the honesty of Ancient Pistol, the habits of Falstaff, and the temptations of Anthony would have been to him as pastures green to the starving herd. Poor old Reub, his incarceration in the Vigilance cells nearly frightened the life out of him, and his release even under banishment, was as the open door to the caged wild bird. He never did much harm to any cause or party that he opposed. The Committee would have better spared him and exiled many who were worse—some from their own ranks.

CHAPTER VII.

The last in the list is Edward McGowan—"Old Ned"—Chief of Police, Judge, Emigration Commissioner, politician, fugitive, "ubiquitous" soldier, retired sporting man, and still in life, nearly eighty years of age, clear in all his faculties. He was a devoted, trusted confidential friend of Broderick, and unpur-

chaseable in his friendship. He had been a prominent actor in many hard contests in behalf of Broderick, and aided materially in the successes which elevated that extraordinary man to the Senate of the United States. McGowan was a warm friend to Casey—his adviser on many occasions. He received intimation the night of Casey's arrest, that his own was contemplated. He was not seen again in San Francisco until his return to the State a year or more afterward, to surrender himself and demand trial upon whatever charge the Committee, or any, could prefer against him. His acquittal was the consequence.

Never was fugitive more assiduously and desperately hunted than he. Domiciliary visits, the intrusion of the Vigilance police into the homes of citizens, of every house and room in which it was suspected McGowan would be caught. Every friend of his was shadowed to get a clew to his place of concealment. Yet he was for weeks securely hidden within five miles of the city. Thence he made his escape to Santa Barbara, through the aid of true and sagacious friends; was sheltered and protected there by another—Jack Powers, one of the Stevenson's regiment, a fearless, dare-devil, desperate, wily man, accustomed to wild adventures, and hair-breadth escapes, whose own many exploits, including pursuit and search, will some day find publication, to rival the most interesting and exciting narratives of frontier life, and the daring and heroism of the men bred to such life. Jack Powers had on several occasions escaped the capture and death his Mexican pursuers had deemed inevitable. His ingenuity now came to do service on behalf of his friend McGowan. Chief of Police Curtis had got word that McGowan was in Santa Barbara. He was a zealous, Vigilance man. A schooner was chartered, and a strong, armed force sailed on her for Santa

Barbara, to capture the fugitive. They landed, searched everywhere, particularly the house, premises and surroundings of Jack Powers' residence. Powers and McGowan both well knew that catching meant hanging beyond all hope. After a thorough quest Curtis and his armed band gave up the hunt and returned to San Francisco. At Powers' home they had searched every place except that in which McGowan was concealed. They had been within a foot of him; had nearly stepped on him; were so close that he heard their whisperings and cursings. But they never suspected his hiding place. He was simply rolled in a great mass of old floor matting, at one side of the house, which was covered with dust and leaves, and bits of straw, to give it the appearance of having been there, just as it seemed, for months. After the schooner sailed, McGowan succeeded in making his way out of the State and safe from the Vigilance Committee, by the cunning and adroitness of his good friend Jack Powers. The Committee were foiled in their endeavor to capture the man, of all others, they were the most eager to catch and hang. There would have been short invoking of trial in his case and a hurried death by the rope. McGowan lives to relate his adventures and enjoy the narrative.

To give some idea of the manner of procedure and the discipline of the Committee, I will relate an experience of my own: One beautiful moonlight evening I was visiting the family of a prominent member of the San Francisco Bar. About nine o'clock the door bell was rung. Thinking that some friend of the family was at the door, the mistress of the house went herself to see who was there. In the doorway stood a strange man. He asked—mentioning my name—if I was in. She called to me and I went to the door. He requested me to accompany him to the rooms of the

Committee. I wished to know for what purpose, and at whose instance he came. He said he could not tell; he was ordered to request my attendance at once, and could say no more. I got my overcoat and went with him. On the way down he informed me of the diligent hunt he had made to find me—mentioning half a dozen families whom I frequently visited. At last we reached Fort Gunny Bags. He led the way to the Front street door, in the rear of the building. Two rows of guards with muskets, had position from the curb-stone to the door-way. He gave the pass-word to these and we passed through. At the door were other guards—the same giving of pass-word there. We mounted the narrow stairs—my escort in advance. Midway on the stairs were two guards—one of them Dr. Rabe, with whom I had been intimate since 1850. Again the pass-word. And again at the head of the stairs to the four guards there. My escort opened the door of a medium-sized room, which fronted on the street, and requested me to be seated. He left me alone in the room. For an hour I had the room to myself. Then the door was opened, and I saw David C. Broderick over the head of the person who had evidently escorted him, and requested him to be seated. Broderick entered, and the door was closed, and locked from the outside. We had no more than shaken hands and mutually wondered what we were wanted for, when the key was turned, the door again opened, and in came tall Jo. McKibben, taller even than Broderick. As he entered, the door was again locked on the outside. The situation was too amusing, and we all laughed over it. But why were we there? On relating the manner of the “request” and escort, each had been served in similar manner—neither could conjecture the purpose in having us there. No other person was let in until about an hour. “Old

Jim" Dows, as he was familiarly called, came to see us. We had known each other for years. He appeared surprised to see us, and McKibben and myself exchanged some pleasantries with him. I said to him, at last, that I wished the Executive Committee would hasten whatever business they had in my case and let me go, as I was eager to return to the house I had been visiting. He said he would and in ten minutes returned to apprise me that I could go right then if I wished. He accompanied me to the head of the stairs, and in loud voice ordered the guards to let me pass out—that it was "all right." With this he passed into the hall. The guard at the head of the stairs duly let me pass. At the middle of the stairs Dr. Rabe, who so well knew me, and must have heard Dows' order, demanded the pass-word, and refused to allow me to proceed. I said, "Why, Doctor, I don't know the pass-word, and you heard Jim Dows' order to let me pass out." The guard at the head of the stairs cried out to him, "it was all right," and I was then allowed to pass down. But at the foot of the stairs the guard made similar demand, and again the word had to be shouted from above, that I was to be allowed to pass out. One of the guards then took my arm, escorted me through the file of outside guards, into the street, and I was, finally, "all right." But I felt curious in regard to Broderick and McKibben. The next day Dows told me we had all been wanted as witnesses on behalf of one of the prisoners in the custody of the Committee, but that he had got me excused. From Broderick I subsequently learned that he had given his testimony and had then come away. Also had McKibben.

Rumors had been circulated that Broderick was to be arrested by the Committee. Whether true or false, I never learned. At all events he soon left San Fran-

cisco and made a tour of the mountain counties, to promote his canvass for the Senatorship, which he achieved the following year. His devoted friends were all violently opposed to the Committee, and any harm to him, by that body, would have been the occasion of very serious trouble.

Colonel E. D. Baker had defended Charles Cora, at his trial, as I have related. He was positive and unreserved in his denunciation of the Committee. Whether he was ever threatened with arrest I do not know; but he likewise left the city and went into the interior Northern counties and there practiced his profession until September, when he entered into the Presidential campaign as chief orator of the Republican party, for Fremont, and in November returned to his practice in San Francisco.

The Vigilance Committee disbanded their military forces late in August. The Executive Committee held to them for future emergencies, but ceased their meetings. Fort Gunny Bags was dismantled. The rooms were abandoned; but as a closing scene, a grand review of the military was held near South Park, and the rooms were thrown open to the public. Thousands, ladies and gentlemen and children went there, and looked at the stuffed ballot-box, at the nooses and ropes used in the hanging of Casey and Cora, of Hetherington and Brace, at the shackles and gyves, at all the other instruments and paraphernalia of the gallows and the cells, into the narrow cells and their scant furniture, and at all the ghastly *curios* of these haunted rooms of life and death, of mental torture and bodily suffering, of forced suicide and the mocking of the crazed victim of his own despair and desperation. It was a remarkable sight for women, an astounding treat to ladies, and such an example to children, boys and girls ! But comment is not required.

The city and county election was soon to follow. The Committee men did not neglect the opportunity which their powerful organization had given them. The Executive Committee became practically a self-constituted nominating convention. Their rank and file were not forgotten. General Doane was nominated for Sheriff. For every other office Vigilance men were named the candidates. None others had chance or hope. Their ticket was elected. They obtained the reward of their services in the organization, and profited accordingly. Thirty-one years have now passed since the existence of the Committee. Many of its executive members are numbered with the dead. Some of them passed away in a manner to remain as an enduring sorrow to their kindred and connexions. A few have prospered and occupy high places in community. A very few enjoy office bestowed by the party they aided so much to destroy in 1856. On the monument erected over the ashes of Casey is the scriptural admonition for all mankind. "Vengeance is mine, saith the Lord, and I will repay." Retribution is with God alone. The generation of this period will best subserve the good of community by conformity to the divine injunction. And this would never have been written were it not for the many and frequent *ex parte*, and incorrect publications, which have been put forth as faithful and impartial accounts of the Vigilance Committee of 1856, of the character of those who suffered death and banishment at its hands, and of the causes which led to its organization. The task is done. May another similar to it never be required. The law of the land should suffice for every exigency. It sets no bad or dangerous example, but is always the conservator of the public welfare, the best protector of all, the voice of the people in accordance with the laws of God.

[illegible]

UNIVERSITY PRODUCTS, INC. #859-5503

BOSTON COLLEGE



3 9031 026 89697 7

